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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,833	11/19/2001	Luen Kimball Poindexter	FNC- 002 CON	2178

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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,833

Applicant(s)

POINDEXTER ET AL.

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-24, 26-31, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 25 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/16/02</u> . | 6) <input type="checkbox"/> Other: _____ |

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Art Rejections:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 22-24, 26-31 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karlak, U.S. pat. Application Pub. No. 2002/0023175.

Per claims 22 and 26-27, Karlak discloses a system and method for distributing work tasks to processing clients (workers) comprising:

a) a first logical queue level including one or more first level work queues (512a, 512b, fig. 5B) that function as enterprise-level queues that are configured to accept work tasks destined

for processing clients (514, 516, 518, fig. 5B), wherein the first level work queue is associated with a work performer class representing a task necessitating a machine and/or human interaction (see pages 8-9, par. 111-114),

b) a second queue level including a plurality of second level work performer queues (530, fig. 5B) associated with the first logical work queue and with corresponding processing clients, wherein at least a first of the work tasks in the first logical work queue is assigned to a first of the plurality of second level work performer queues based on at least a first property of the first work task, e.g., application type, priority, throughput, load balancing indicators, etc., (see page 9, par. 115-119 and page 12, par. 159).

It is noted that Karlak's teaching is applicable to any machine and human automation tasks (see page 1, par. 2-11). Karlak does not explicitly teach performing the task distribution on a specific human interactive process such as loan processing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Karlak's teaching to schedule/distribute tasks and subtasks in a human interactive process such as loan processing because it would have enabled processing such human interactive tasks and

subtasks with a simpler scheduling mechanism compared to prior art (see page 2, par. 15).

Per claim 23, it is noted that a loan officer or worker is usually required for processing a loan.

Per claim 24, Karlak also teaches that the second level queue includes a work performer queue (622, fig. 6) associated with the remote workflow system (see page 9, par 119 and page 12, par. 159). Karlak does not explicitly teach providing a work performance queue associated with local workflow system. It would have been obvious to one skilled in the art to utilize such local work performer queue/buffer because it would have enabled the processing clients to receive and process all assigned related subtasks more efficiently (see page 12, par. 159).

Claims 28-31 and 33-34 are similar in scope as that of claims 22-24 and 26-27..

Allowable Subject Matter:

4. Claims 25 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion:

5. The references cited by the examiner on PTO-892 but not relied upon are considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-305-9600. The Group fax number is 703-872-9306.



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154

12/30/04